Mitigated Negative Declaration

California State Coastal Conservancy
Malibu Road Beach Accessway

Introduction

The California State Coastal Conservancy proposes to construct a new Beach Accessway, on a vacant lot along the south side of Malibu Road, on the southern edge of the City of Malibu, in the County of Los Angeles. The proposed Malibu Road Beach Accessway is intended to implement the public access goals of the Coastal Zone Management Act of 1972, the Coastal Zone Protection Act of 1996, and the California Coastal Act. It would provide one of the proposed vertical accessways contained within the Draft Local Coastal Program. Based on the assessment presented in the Initial Study, this Mitigated Negative Declaration has been prepared.

Project Description

To provide the vertical access between Malibu Road and Amarillo Beach, a stairway would be constructed on the site. This stairway would take beach-goers from approximately 35 feet in elevation along Malibu Road to approximately 7 feet of elevation at the top of the beach. The stairway would include landings for viewing the ocean, including one at the top of the stairway that would be wheelchair accessible. The steepness of the slope and the limited size of the property would prevent inclusion of a wheelchair ramp at this location.

The stairways and landing would be held in place by six-by-eight-inch pressure-treated Douglas-fir timbers, attached by No. 5 rebar in pre-drilled holes, placed four-feet on center. The steps and landings themselves would be composed of stabilized sand, except for the landing at the top of the slope, which would be constructed of plastic wood decking.

A fence would be constructed along the top of the existing soldier pile wall. This wall currently is topped by a concrete cap. Into this concrete cap, holes would be drilled and vertical metal fence posts will be installed. The posts would have a maximum spacing of four inches. The top of the fence posts would vary in height to create a wave pattern. The existing concrete cap would be finished with a slurry coat. A gate would be provided that can be closed at night or when restricted access is required due to safety reasons such as storm damage, tsunamis, etc. Signage would be provided at the gate, explaining the rules of the beach, such as no

dogs, firearms, fires, etc., and the location of other public accessways along Malibu Road.

Use of the site is expected to be similar to that currently provided for and allowed at nearby beach accessways managed by the Los Angeles County Department of Beaches and Harbors. No lifeguard would be on duty, and the hours of operation are expected to be sunrise to sunset. No bathrooms would be provided.

No additional parking would be provided. People using the accessway would be able to use the existing on-street parking on either side of Malibu Road, as is done for the other beach accessways in the area.

Availability of Documents

Copies of the Initial Study for the proposed project are on file and available for review at the following address:

California State Coastal Conservancy
1330 Broadway, Suite 1100, Oakland, CA 94612

Malibu City Clerk's Office
23555 Civic Center Way, Malibu, CA 90265

Malibu Public Library
23519 Civic Center Way, Malibu, CA 90265

Los Angeles County Clerk's Office
12400 Imperial Highway, Norwalk, CA 90650

Environmental Determination

An Initial Study was prepared to identify the potential effects on the environment from the establishment of the proposed accessway and to evaluate the significance of these effects. Based on the Initial Study, the proposed project would have less-than-significant effects or no impacts related to the following issues:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources

- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

The environmental assessment presented in the Initial Study identifies a number of environmental impacts that require mitigation measures be incorporated into the project to effectively reduce potential impacts to less-than-significant levels or avoid the impacts. These are:

- Cultural Resources
- Geology and Soils
- Noise

Measures have been formulated to effectively mitigate all of the potentially significant environmental impacts identified in the Initial Study. Implementation of these mitigation measures would avoid potentially significant impacts identified in the Initial Study or reduce them to a less-than-significant level. The mitigation measures are presented below.

Mitigation Measures

Implementation of the following mitigation measures would avoid potential impacts identified in the Initial Study or reduce them to a less-than-significant level.

Discovery of Archaeological Resources or Human Remains During Construction

MMV-1. If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the Coastal Conservancy.

If human remains of Native American origin are discovered during project construction, compliance with state laws, which fall within the jurisdiction of the Native American Heritage Commission (Public Resource Code Sec. 5097), relating to the disposition of Native American burials will be adhered to. If any human remains are discovered or recognized in any location other than a dedicated cemetery, excavation or disturbance of the site shall stop, including any

nearby area reasonably suspected to overlie adjacent human remains, until:

a. The coroner of the county has been informed and has determined that no investigation of the cause of death is required; and

b. if the remains are of Native American origin,

1. The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

2. The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission.

Impacts from Unstable Soil or Slope Failure

MMVI-1. A geological engineer shall be retained to review the proposed project plans and construction specifications and determine what measures are necessary, if any, to prevent the slope failures from being caused by the construction and use of the project accessway. All recommended measures shall be implemented during project construction.

MMVI-2. Materials used for landings shall be permeable, allowing water to percolate naturally into the slope. Surface drainage shall be directed towards the downslope side of the stairway and landing to prevent water from draining into and saturating the slope.

MMVI-3. No irrigation shall be used on the site.

MMVI-4. Construction shall avoid destabilizing the bluff. Equipment and material storage, as well as construction operations, shall be carried out so that the amount of external vibration and surcharge to the slope is minimized at all times.

MMVI-5. A geological engineer shall monitor construction to ensure that the bluff is not destabilized. Alternative construction methods shall be used, if necessary, as recommended by the geological engineer, to prevent failures.

MMVI-6. The existing retaining wall shall be monitored on an annual basis after the rainy season and after any significant rainfall or storm event (such as the heavy rainfall of January 1995 or a tsunami) to determine whether additional cracking or blowouts have occurred near the top of the wall or whether the wall is tilting. If these occur, it is an indication that the stability of the wall is being compromised. If these occur, a geologic engineer shall be retained to recommend repairs to re-stabilize the slope and these recommendations shall be implemented.

MMVI-7. Following earthquakes of magnitude 4.0 or greater felt in the Malibu area, the stairway shall be inspected by a geological engineer to determine if it has been damaged by groundshaking, liquefaction, or landslides. If any damage has occurred, the stairway will be closed to the public until repairs can be made and the site inspected by a geological engineer and deemed to be safe.

Impacts from Soil Erosion or the Loss of Topsoil

MMVI-8. In conjunction with MMVI-4, Construction shall avoid erosion of top soil.

Impacts from Noise Generated during Construction

MMXI-1. Pile driving shall not be used on-site unless previously approved by a geologic engineer. Instead, pile holes will be drilled.